

Applicant: Daniel SauFu Mui
Serial No.: 10/737,029
Filing Date: December 16, 2003
Docket No.: ZIL-568

REMARKS

Reconsideration and allowance is respectfully requested.

Before entry of this amendment, claims 1-24 were pending. In the Office Action, claims 1-10, 13-16 and 18-24 were rejected, and claims 11-12 and 17 were objected to. In the present amendment, claims 11, 13, 17, and 19 are amended, and claims 25-26 are added. After entry of the amendment, claims 1-26 are pending.

I. Claims 11-12 and 17

Claims 11-12 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. (See Office Action, p. 10, lines 19-21.) Applicant amends claim 11 such that claims 11-12 include all of the limitations of the base claim 1. Applicant amends claim 17 to include all of the limitations of the base claim 13.

Withdrawal of the objection to claims 11-12 and 17 is respectfully requested.

II. Claims 19-20

Claims 19-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pope (USP 5,963,624) (Office Action, p. 2, lines 16-17).

A. Independent claim 19

Claim 19 as amended recites, “means for relaying said first key code and said second key code from said key code generator device through a remote control device to said first electronic consumer device and to said second electronic consumer device without simultaneously storing both said first key code and said second key code on said remote control device” (emphasis added). Pope does not form the basis for a valid rejection under § 102(b) because Pope does not disclose all of the limitations of claim 19. Specifically,

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Pope does not disclose relaying a key code from a key code generator device through a remote control device to an electronic consumer device.

The Examiner states that the IR transmitter 87 of base unit 12/80 of Pope discloses the recited means for relaying key codes. (Office Action, p. 2, lines 22-23). The appliance control codes of Pope, however, are not relayed from base unit 12, through handset 10/50, to an appliance 14/16/18.

Because Pope does not disclose all of the elements of claim 19, reconsideration of the § 102(b) rejection and allowance of claim 19 are requested.

B. Dependent claim 20

Claim 20 depends from claim 19 and is allowable for at least the same reasons for which claim 19 is allowable. Reconsideration of the § 102(b) rejection and allowance of claim 20 are requested.

III. Claims 13-16, 22 and 24

Claims 13-16, 22 and 24 are rejected under 35 U.S.C. § 102(e) as being anticipated by Wouters et al. (USP 6,915,109) (Office Action, p. 3, lines 5-6).

A. Independent claim 13 and 22

Claim 13 as amended recites, "A remote control device comprising: a receiver that receives a first key code signal . . . within a radio frequency band; a transmitter that transmits a second key code signal . . . within an infrared frequency band; and a keypad . . ." (emphasis added). Claim 22 recites, "A remote control device, comprising: an RF receiver; an IR transmitter; . . . said IR carrier signal . . . being transmitted from said remote control device by said IR transmitter" (emphasis added). Wouters does not form the basis for a valid rejection under § 102(e) because Wouters does not disclose all of the limitations of either claim 13 or claim 22. Specifically, Wouters does not disclose a remote control device with a keypad that both receives a signal within a radio frequency

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band and transmits a signal within an infrared frequency band. In addition, Wouters does not disclose a remote control device with an RF receiver and an IR transmitter.

Wouters does not disclose a device with a keypad that transmits an IR signal and receives an RF signal. The Examiner cites passages in Wouters from column 4, lines 25-33 and 48-57 (Office Action, p. 3, lines 7-11). The first passage from lines 25-33 describes radio receiver 13 that receives RF signal 10 and transmits a signal to IR transmitter 14. Radio receiver 13 does not include a keypad. Moreover, radio receiver 13 is not a remote control device. The second passage of Wouters from lines 48-57 describes the remote control unit shown in figure 6 of Wouters (mistakenly referred to as figure 7). The remote control unit described in lines 48-57 includes an IR transmitter and an RF transmitter, but does not include an RF receiver. Wouters does not disclose a remote control device that both receives an RF signal and transmits an IR signal.

Because Wouters does not disclose all of the elements of either claim 13 or claim 22, reconsideration of the § 102(e) rejection and allowance of claims 13 and 22 are requested.

B. Dependent claims 14-16

Claim 14 recites "said key code corresponds to a second function of a second electronic consumer device, as well as to said function of said electronic consumer device". The Examiner has not presented a *prima facie* argument of anticipation of claim 14 because the Examiner has not stated that Wouters discloses a key code that corresponds both to a function of an electronic consumer device as well as to a second function of a second electronic consumer device. Wouters does not disclose one key code that corresponds to two separate functions of two different electronic consumer devices.

Claim 16 recites "said key code comprises a first binary number and a second binary number, said first binary number corresponding to said function, and said second binary number corresponding to said second function". The

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Examiner has not presented a *prima facie* argument of anticipation of claim 16 because the Examiner has not stated that Wouters discloses a key code comprising both (i) a first binary number that corresponds to a function of an electronic consumer device as well as (ii) a second binary number that corresponds to a second function of a second electronic consumer device. Wouters does not disclose a single key code that comprises two binary numbers, one corresponding to the function of one electronic consumer device, and the other corresponding to a second function of a second electronic consumer device.

Claims 14-16 depend directly or indirectly from claim 13. In addition to the reasons explained above, dependent claims 14-16 are allowable for at least the same reasons for which claim 13 is allowable. Reconsideration of the § 102(e) rejection and allowance of claims 14-16 are requested.

C. Dependent claim 24

Claim 24 recites that the means of claim 22 is a microcontroller. The means of claim 22 is a "means for receiving a key code from said RF receiver". The Examiner states that Wouters discloses "a microcontroller in the form of a microprocessor for receiving the key code (col. 4 lines 52-55)" (Office Action, p. 3, lines 18-19). Applicant respectfully disagrees. The cited passage of Wouters does not disclose a microprocessor for receiving a key code from an RF receiver.

The remote control unit disclosed in the cited passage does not include an RF receiver. Thus, the central processing unit (CPU) inside the remote control does not receive a key code from any RF receiver. Instead, Wouters discloses that the CPU determines which code needs transmitting based on which key is tapped by the user. Wouters explains:

"In this case the user taps a key, the CPU (Central processing unit) inside the remote control determines which code (corresponding to the tapped key) needs transmitting (by IR or RF) and fetches the required data from its memory which comprises a data base or other means in

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which tapped codes are linked to data to be transmitted" (Wouters, col. 4, lines 57-62) (emphasis added).

Therefore, Wouters does not disclose a microcontroller that receives a key code from an RF receiver.

Claim 24 depends from claim 22. In addition to the reasons explained above, dependent claim 24 is allowable for at least the same reasons for which claim 22 is allowable. Reconsideration of the § 102(e) rejection and allowance of claim 24 are requested.

IV. Claims 1, 3-4 and 9

Claims 1, 3-4 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pope in view of McNair et al. (USP 5,595,342) (Office Action, p. 4, lines 9-10). To establish a *prima facie* case of obviousness, the Examiner must demonstrate three criteria. The MPEP § 2142 states:

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claimed limitations." MPEP § 2142 (emphasis added).

A. Independent claim 1

The combination of Pope and McNair does not form the basis for a valid rejection of claim 1 under § 103(a) because, among other things, the references when combined do not teach or suggest all of the claim elements. Claim 1 recites, "(a) receiving a keystroke indicator signal from a remote control device; (b) generating a key code within a key code generator device . . .". Neither Pope nor McNair teaches generating a key code within a key code generator device.

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Moreover, neither Pope nor McNair teaches both a keystroke indicator signal and a key code signal.

The Examiner states that "Pope teaches receiving a keystroke indicator signal which contains an indication of a key on the remote control device 10 that was pressed (col. 2 lines 61-col. 3 line 19), generating a key code (codes for communicating the control function to the appliances) within the code generator 12 . . ." (Office Action, p. 4, lines 11-14) (emphasis added). Applicant respectfully disagrees. Pope does not teach generating a key code within a key code generator device.

The appliance control code that is transmitted by base unit 12 of Pope is not generated within base unit 12. Instead, base unit 12 receives the appliance control codes from handset 10/50. Pope explains:

"The present invention uses a digital cordless telephone handset to store a variety of appliance control codes. These appliance control codes can be transmitted to a base unit. The base unit can translate the appliance control codes to control signals such as infrared control signals, to control an electrical appliance" (Pope, col. 1, lines 31-36) (emphasis added) See also Pope, col. 2, lines 48-52 and 63-65.

The appliance control codes are not generated within the base unit 12 of Pope. Instead, the appliance control codes are transmitted from the handset 10/50 to the base unit 12, where they are translated to control signals. Base unit 12 of Pope does not receive a keystroke indicator and then generate a key code. Pope states, "Once an appliance control code is received by the base unit, the base unit will know to transfer the control code to an appliance" (Pope, col. 4, lines 49-51) (emphasis added).

According to the tenets of claim differentiation, a "keystroke indicator signal" cannot be interpreted to be the same as a "key code signal". Such a claim interpretation is presumptively unreasonable. See, e.g., Karlin Tech. Inc. v. Surgical Dynamics Inc., 177 F.3d 968, 50 USPQ2d 1465, 1468 (Fed. Cir. 1999). In addition, such a claim interpretation would render claim 1 internally

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inconsistent because "keystroke indicator/key code" information that was already received by the key code generator device would later be generated by the key code generator device. Thus, Pope does not teach both a keystroke indicator and a key code. The handset 10/50 of Pope transmits an appliance control code and not a keystroke indicator.

McNair does not teach modulating a key code. McNair does not teach a key code. McNair is directed to a control system for a gas-fired, central heating system and does not concern key code signals for electronic consumer devices. Thus, there would be no motivation to combine McNair with Pope even if McNair did disclose a limitation of claim 1 (which it does not).

Neither Pope nor McNair teaches both (i) a keystroke indicator signal and (ii) a key code signal. Nor does either Pope or McNair teach generating a key code within a key code generator device. Because the combination of Pope and McNair does not disclose all of the elements of claim 1, Pope and McNair do not form the basis for a valid rejection under § 103(a). Reconsideration of the § 103(a) rejection and allowance of claim 1 are requested.

B. Dependent claims 3-4 and 9

Claim 9 recites, "said key code generated in (b) is part of a codeset, and wherein said remote control device does not store said codeset" (emphasis added). With respect to base claim 1, the Examiner states that "Pope teaches receiving a keystroke indicator signal which contains an indication of a key on the remote control device 10" (Office Action, p. 4, lines 11-12) (emphasis added). Thus, the Examiner considers that handset 10 of Pope teaches the remote control device recited in claim 9. The Examiner then states, "The code generated by the code generator is not stored in the remote control because it is transmitted to the appliances" (Office Action, p. 5, lines 6-7). Applicant respectfully disagrees.

The appliance control codes of Pope are stored on handset 10 and are transmitted from handset 10 to base unit 12. Base unit 12 does not generate the

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appliance control codes. Instead base unit 12 receives the appliance control codes and then translates them into infrared control signals. Pope explains:

"The present invention uses a digital cordless telephone handset to store a variety of appliance control codes. These appliance control codes can be transmitted to a base unit. The base unit can translate the appliance control codes to control signals such as infrared control signals, to control an electrical appliance" (Pope, col. 1, lines 31-36) (emphasis added)

"The cordless digital telephone handset includes a memory 66 . . . used to store the appliance control codes. Preferably, the appliance control codes can be transmitted to the base unit 12 . . ." (Pope, col. 2, lines 48-52) (emphasis added).

"Fig. 2 is a diagram of a handset 50 of the present invention. . . . The appliance control codes are stored in a memory 66" (Pope, col. 4, lines 17-28) (emphasis added).

Claims 3-4 and 9 depend from claim 1. In addition to the reasons explained above, dependent claims 3-4 and 9 are allowable for at least the same reasons for which claim 1 is allowable. Reconsideration of the § 103(a) rejection and allowance of claims 3-4 and 9 are requested.

V. Dependent claim 2

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pope in view of McNair and further in view of Goldstein (USP 5,410,326) (Office Action, p. 5, lines 8-10).

Claim 2 includes the following limitations of base claim 1, "(a) receiving a keystroke indicator signal from a remote control device; (b) generating a key code within a key code generator device . . ." None of Pope, McNair or Goldstein teaches generating a key code within a key code generator device. Moreover, none of Pope, McNair or Goldstein teaches both a keystroke indicator signal and a key code signal.

In addition, claim 2 recites "wherein said key code signal is transmitted in

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(d) from said key code generator device to said remote control device". The Examiner seems to admit that Pope and McNair are silent on teaching that the key code generator transmits the key code signal to the remote control device. (Office Action, p. 5, lines 12-13) (emphasis added).

None of Pope, McNair or Goldstein teaches (i) receiving a keystroke indicator signal from a remote control device, (ii) generating a key code within a key code generator, and (iii) transmitting a key code signal from the key code generator device back to the remote control device.

The fact that Goldstein may teach sending an IR code or an entire codeset from a cable television converter box to a remote control device to update the remote control device does not teach transmitting a key code signal from a key code generator device back to the remote control device. Goldstein does not teach transmitting a key code signal as opposed to a key code or a codeset.

In addition, the cable television converter box of Goldstein does not teach a key code generator because the cable television converter box of Goldstein receives complete codesets from a remote database or is loaded with complete codesets. (Goldstein, col. 15, lines 20-68; col. 17, lines 62-67). To the contrary, Goldstein teaches that the GLUE logic 95 in the universal remote control 5, as opposed to the converter box, generates the IR sequences from the codes. Goldstein states, "The glue logic 95 will supply the IR sequences from codes, stored in the RAM 90, upon command of the user. . . . These codes describe carrier frequencies, pulse widths and pulse duration to be generated to the glue logic 95 for producing infrared pulses from the infrared diode 97" (Goldstein, col. 13, lines 23-33). Thus, Goldstein does not teach transmitting a key code signal from a key code generator.

Finally, the motivation posited by the Examiner to combine Goldstein and Pope is non-existent. (See Office Action, p. 5, lines 18-20). There would be no motivation to update the remote control device of claim 2 with new codesets, as allegedly taught by Goldstein, because claim 2 does not recite that any key code or codeset is ever stored on the remote control device. Claim 2 recites

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transmitting a key code signal to the remote control device and does not recite transmitting a codeset to the remote control device. The motivation proposed by the Examiner would only result in a combination wherein codesets, or at least key codes, are stored on a remote control device.

The combination of Pope, McNair and Goldstein does not form the basis for a valid rejection of claim 2 under § 103(a) because the combination does not teach transmitting a key code signal from the key code generator device back to the remote control device. Moreover, none of Pope, McNair or Goldstein teaches both (i) a keystroke indicator signal and (ii) a key code signal. Nor does any of Pope, McNair or Goldstein teach generating a key code within a key code generator device. Finally, there is no motivation to combine the teachings of Goldstein with the teachings of Pope and McNair in such a way as to obtain all of the limitations of claim 2. Therefore, reconsideration of the § 103(a) rejection and allowance of claim 2 are requested.

VI. Dependent claims 5 and 10

Claims 5 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pope in view of McNair and further in view of Teskey (USP 6,747,568) (Office Action, p. 6, lines 1-3).

Claims 5 and 10 depend directly or indirectly from claim 1 and include the following limitations of claim 1: "(a) receiving a keystroke indicator signal from a remote control device; (b) generating a key code within a key code generator device . . ." None of Pope, McNair or Teskey teaches generating a key code within a key code generator device. Moreover, none of Pope, McNair or Teskey teaches both a keystroke indicator signal and a key code signal.

In addition, claim 10 recites that "said timing information describes a digital one and a digital zero". The Examiner admits that Pope "is silent on teaching the key code comprises timing information defining the binary number (ones and zeros) in modulated." But the Examiner states that Teskey "teaches the format of the remote control signal having the necessary timing and modulation

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information (col. line 60-col. 4 line 8)" (Office Action, p. 6, lines 15-18). Applicant disagrees that Teskey teaches "the necessary timing and modulation information." The passage of Teskey cited by the Examiner does not teach timing information that defines a digital one or a digital zero. In fact, Teskey does not mention a digital one, a digital zero or any type of mark/space representation.

The combination of Pope, McNair and Teskey does not form the basis for a valid rejection of either claim 5 or claim 10 under § 103(a) because the combination does not teach both (i) a keystroke indicator signal and (ii) a key code signal. Nor does any of Pope, McNair or Teskey teach generating a key code within a key code generator device. And with regard to claim 10, Teskey does not teach timing information that defines a digital one or a digital zero. Therefore, reconsideration of the § 103(a) rejection and allowance of claims 5 and 10 are requested.

VII. Dependent claim 6

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pope in view of McNair and further in view of August (USP 5,671,267) (Office Action, p. 7, lines 3-5).

Claim 6 includes the following limitations of base claim 1, "(a) receiving a keystroke indicator signal from a remote control device; (b) generating a key code within a key code generator device . . ." None of Pope, McNair or August teaches generating a key code within a key code generator device. Moreover, none of Pope, McNair or August teaches both a keystroke indicator signal and a key code signal.

In addition, claim 6 recites, "(e) pressing a power-on key of said remote control device causing said remote control device to transmit said keystroke indicator signal that is received in (a), wherein said key code signal transmitted in (d) is received onto an electronic consumer device, and wherein said pressing in (e) causes said electronic consumer device to turn on" (emphasis added). The Examiner states that Pope "is not explicit in teaching transmitting a keystroke

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indicator signal that cause the appliance to turn on. One skill in the art recognizes that a remote control is generally used in turning an appliance on/off and is further evidence by August et al. (col. 8 lines 3-5)" (Office Action, p. 7, lines 7-8). The Examiner does not explicitly state that August teaches a remote control device transmitting a keystroke indicator signal, and indeed August does not teach a keystroke indicator signal. The passage of August cited by the Examiner teaches handset unit 10 of August using a key code signal, as opposed to a keystroke indicator signal, to turn a television set on and off. According to the tenets of claim differentiation, a "keystroke indicator signal" cannot be interpreted to be the same as a "key code signal".

None of Pope, McNair or August teaches (i) receiving a keystroke indicator signal from a remote control device, (ii) generating a key code within a key code generator, and (iii) transmitting a key code signal from the key code generator to an electronic consumer device to turn on the electronic consumer device.

The combination of Pope, McNair and August does not form the basis for a valid rejection of claim 6 under § 103(a) because the combination does not teach both (i) a keystroke indicator signal and (ii) a key code signal. Nor does any of Pope, McNair or August teach generating a key code within a key code generator device. Reconsideration of the § 103(a) rejection and allowance of claim 6 are requested.

VIII. Dependent claim 7

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pope in view of McNair and further in view of Wouters (Office Action, p. 7, lines 16-18).

Claim 7 includes the following limitations of base claim 1, "(a) receiving a keystroke indicator signal from a remote control device; (b) generating a key code within a key code generator device . . ." None of Pope, McNair or Wouters teaches generating a key code within a key code generator device. Moreover,

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none of Pope, McNair or Wouters teaches both a keystroke indicator signal and a key code signal.

In addition, claim 7 recites "wherein said key code signal is received by said remote control device". The Examiner states that "Pope teaches the remote control receiving key code signals (infrared control signal) from a controller (col. 4 lines 52-56)" (Office Action, p. 7, lines 19-20). The Examiner does not state, however, that Pope teaches the remote control device receiving a key code signal from the key code generator device that generated the key code. The passage of Pope cited by the Examiner teaches receiving an infrared signal from a controller, such as a television remote control. The cited passage does not teach receiving a key code signal from a key code generator device.

The combination of Pope, McNair and Wouters does not form the basis for a valid rejection of claim 7 under § 103(a) because the combination does not teach receiving a key code signal from the key code generator device back on the remote control device. Moreover, none of Pope, McNair or Wouters teaches both (i) a keystroke indicator signal and (ii) a key code signal. Nor does any of Pope, McNair or Wouters teach generating a key code within a key code generator device. Therefore, reconsideration of the § 103(a) rejection and allowance of claim 7 are requested.

IX. Dependent claim 8

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pope in view of McNair and in view of Wouters and further in view of August (Office Action, p. 8, lines 9-11).

The 4-way combination of Pope, McNair, Wouters and August does not form the basis for a valid rejection of claim 8 under § 103(a) for the same reasons explained above with relation to claims 1 and 7. The 4-way combination does not teach receiving a key code signal from the key code generator device back on the remote control device. Nor does the 4-way combination teach both (i) a keystroke indicator signal and (ii) a key code signal. Nor does the 4-way

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combination teach generating a key code within a key code generator device. Therefore, reconsideration of the § 103(a) rejection and allowance of claim 8 are requested.

X. Dependent claim 18

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wouters in view of Teskey (Office Action, p. 9, lines 1-2).

The combination of Wouters and Teskey does not form the basis for a valid rejection of claim 18 under § 103(a) for the same reasons explained above with relation to claim 13. Neither Wouters nor Teskey discloses a device with a keypad that both transmits an IR signal and receives an RF signal.

Because combination of Wouters and Teskey does not disclose all of the elements of claim 18, reconsideration of the § 102(e) rejection and allowance of claim 18 are requested

XI. Dependent claim 21

Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pope in view of August (Office Action, p. 9, lines 13-14).

The combination of Pope and August does not form the basis for a valid rejection of claim 21 under § 103(a) for the same reasons explained above with relation to claim 19. Neither Pope nor August discloses relaying first and second key codes from a key code generator device through a remote control device to both a first electronic consumer device and a second electronic consumer device without simultaneously storing both the first and second key codes on the remote control device.

Because combination of Pope and August does not disclose all of the elements of claim 21, reconsideration of the § 102(e) rejection and allowance of claim 21 are requested.

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XII. Dependent claim 23

Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wouters in view of Pope (Office Action, p. 10, lines 6-7).

The combination of Wouters and Pope does not form the basis for a valid rejection of claim 23 under § 103(a) for the same reasons explained above with relation to claim 22. In addition, neither Wouters nor Pope discloses a remote control device with both an RF receiver and an IR transmitter. The remote control unit 3 of Wouters does not include an RF receiver. The handset 10/50 of Pope does not include an IR transmitter. In fact, Pope teaches against including an IR transmitter on the handset. Pope explains:

"One advantage of having the infrared transmitter attached to the base unit 12 is that the base unit 12 can be typically powered by house current. Since no battery is used, the infrared transmitter can draw more power than is used in battery-type systems. For example, if a button is continuously pressed in a battery-type system, in order to conserve power the infrared signal is not continuously sent, but is sent intermittently. The base unit 12 connected to AC power need not be limited in this fashion. Additionally, it is also possible to have the base unit 12 supply a greater amount of power to the infrared transmitter to transmit a greater amount of infrared energy. In this manner, it may be possible for the infrared bulb to not be focused directly towards the appliance" (Pope, col. 3, lines 46-60) (emphasis added).

Because combination of Wouters and Pope does not disclose the limitations as recited by claim 23, reconsideration of the § 102(e) rejection and allowance of claim 23 are requested.

XIII. New claims 25-26

Applicant is adding new claims 25-26, each of which is supported by the specification and allowable over the cited references. No new matter is added.

XIV. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully

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submits that the entire application (claims 1-26 are pending) is in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner would like to discuss any aspect of this application, the Examiner is requested to contact the undersigned at (925) 621-2121.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By Darien K. Wallace
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